

CITY OF MILTON-FREEWATER
PLANNING COMMISSION MINUTES
May 3, 2004

The Planning Commission meeting was called to order on Monday, May 3, 2004, by Chair Tony Turner in the Albee Room at the City Library. Other members present were Commissioners Kevin Riley, Dwayne Gaines, Steve Irving, Charlie Good, and Ed Chesnut. Commissioner Barney Barcroft was absent.

Citizens present: Gus Gustafson, Steve Carnes, Cameron McFadden, and Keith Woods.

The minutes of the February 2nd, 2004 meeting were approved as written.

Citizen Concerns: No citizen concerns.

The public hearing was then opened to discuss the variance application received from Steve Carnes to reduce the rear yard set back from 22' feet to 12' feet for the purpose of building a 1,040 square foot shop on the property located at 300 Maple Ave. The rules for public hearings were read. No correspondence was received by the planning department regarding the proposal. Gina then gave the staff report. The subject parcel is approximately 150' x 125' and is situated at the end of a dead end street. It is zoned R-1 and is surrounded by R-1 zoned property. The applicant desires to construct a garage/shop building on his property of a sufficient size to allow storage and additional work space. The property is located on a rather steep hill and the fact that there is an existing house on the property puts limitations on the available area for any additional structures. The lot size in an R-1 zone is typically quite a bit larger than the other residential zones. There is more available space for a larger building, and homes and other structures are typically larger than on a smaller R-2 or R-3 zoned lot. There are currently other structures in the area that are built at less than the current setback requirements. The variance would allow construction of a garage to be used by the residents for personal use, while still maintaining a distance of 12 feet from their rear property line. Based on the slope of the property, there would be major excavation required to site the structure in any other location. The traffic flow on the property would also be better suited to the proposed site as there is a circular driveway already in place that could be utilized for the garage/shop building as well. Granting of the variance would not be detrimental to property within the vicinity with respect to public safety, traffic, noise, health, sanitation and hours of operation. The proposal would allow the applicant to utilize his available land in the best manner possible considering the obstacles that are apparent on his lot.

Chair Turner then invited the applicant to speak.

Steve Carnes 300 Maple Ave – addressed the Commissioners and said he would like to build this as an additional garage. He is not able to park his pickup in the existing garage on the property because of the turn radius in the driveway on the upper level of the lot. Their desire is to keep excavation at a minimum and try to maintain as much of their 25 ft back yard as possible without having to dig part of it away. The slope is very steep on the backside of the house and they would have to cut away a portion of the property in order to place the building out 22 feet from the rear yard set back and still allow ease of driving the

circular driveway. There is existing pavement in place and they would like to maintain that feature to access the new garage area for parking. If the garage is moved out they would lose approximately 12 feet of their rear yard and would add considerable expense to the project.

There was no testimony in favor or against the proposed building so Chair Turner then asked for any Commissioner questions.

Commissioner Chesnut asked the applicant what type of materials he would be using on the outside of the building. Mr. Carnes explained that they would use the same 12" cedar siding that is on their existing house. They will be keeping the same consistent look of their house.

Commissioner Riley asked if it was possible to move the building out 8 feet towards Maple which would make it fall under the 10% allowance that the Commission can give him and a variance wouldn't be needed. Mr. Carnes explained that in order to utilize the existing paving and driveway the building would need to be placed where they are proposing in order to allow his vehicle to be able to access the garage portion of the shop. If it was to be moved out 8 feet they would also have to remove 12 feet of their back yard that they would like to maintain if at all possible. Due to the slope of that piece extensive excavating would have to be done and it would add considerable cost to the project. Commissioner Riley had concerns that this was a self created issue on the part of the applicant and would therefore not be an allowable circumstance under the City's standards for the R-1 Zone. Gina said that this type of situation has been looked at by the Commission before and due to the existing slope of that piece and existing structures on the property it would not be considered a self created issue, but that of a geographic nature.

Commissioner Irving asked how far the building below him would be from his proposed shop once it is built. He recalled it being right up against the property line as well. Mr. Carnes said there would be approximately 24 feet in between the two structures. According to Mr. Carnes the neighbors below him did not have any concerns regarding that issue.

Commissioner Chesnut said that the Commission would have to look at the scope of the project. The slope of the property is just one of the factors in relation to issuing a variance. He asked the question do we force the issue and make the applicant change the size of the proposed building going against what the citizen wants. And do we increase his costs by making him do unnecessary excavation. Both of those factors have to be weighed when making the determination if public health or safety is being affected and if we are giving unfair advantage to a property owner that others wouldn't get. Since the neighbor immediately down the hill from Mr. Carnes has the same 12 foot setback that Mr. Carnes is asking for Commissioner Chesnut doesn't see an issue with it.

Commissioner Riley stated that several years ago we looked at this type of issue and that there are several buildings throughout this city that do not meet setbacks. The Commission was approving several variances at the time and it was brought to their attention that if the Commission is granting a lot of variances then they needed to look at the setbacks in place and change them accordingly. Commissioner Riley said we don't issue that many variances anymore due to the changes they made. Gina stated that was true and we did

change the setbacks for R-2 and R-3 Zones but the R-1 Zone was not included in that changed process at the time.

Commissioner Chesnut asked Gina how many requests for variances in the R-1 Zone the Planning Department had over the last year. Gina said there were none.

There were no further questions and Chair Turner closed the hearing.

Commissioner Good then made a motion to approve the variance and adopt the findings of staff. Commissioner Chesnut seconded the motion and the motion passed 4 votes to 1.

The public hearing was then opened to discuss the conditional use permit application received from Cameron McFadden on behalf of Tree Top to install a 150' monopole for Verizon Wireless to be located at 235B E. Broadway. The rules were still in effect for public hearings. No correspondence was received by the Planning Department regarding the application. Gina then gave the staff report. The subject property is located at 235B E. Broadway, and is owned by Tree Top. It consists of approximately 2.36 acre and is located in an I-M (industrial-manufacturing) zone and is surrounded on all sides by I-M zoned property as well. The proposed site of the monopole is approximately 235 feet north of the Broadway Street right-of-way. The site would be accessed off of an existing curb cut on Broadway Street. Verizon Wireless has looked at several sites within Milton-Freewater and has determined that this site affords the best coverage for its needs. As the proposed monopole exceeds the I-M Zone structure height limitation of 55 feet, a conditional use permit would be required. The only traffic that will occur at the site will be maintenance or repair work done to the facility by authorized personnel. Access to the site will be from Broadway Street which is a paved street with sufficient width to carry the minimal amount of traffic that could be generated by scheduled maintenance or repair to the facility. The subject property has a sufficient amount of space provided for the placement of the monopole and supporting structures. There is no expansion planned by the applicant. There is no landscaping required to buffer parking in this case. Public safety would be the main concern in this case. The proposed monopole is designed so that in the event of a catastrophe causing the tower to fall, it would collapse upon itself, rather than falling over. Staff is unaware of any public safety issues associated with other towers that have been located in the area. The site selected by the applicant is in the middle of an industrial area, and the proposed use itself would have no effect on noise or hours of operation. No increase in traffic would be realized as a result of the proposal either. Staff recommends allowing the conditional use permit, subject to the following Site Plan Review Committee's recommendations: 1) The Electric is to be constructed per the Electric Department standards. 2) Industrial sewer to be exposed and capped as recommended by the Public Works Superintendent.

Chair Turner then invited the applicant to speak. Cameron McFadden, the consultant from AFL Telecommunications representing Verizon Wireless for this project, addressed the Commission. He stated that there was an error on the application that he would like to clarify for everyone. They are requesting to install a 100' monopole, not a 150' monopole. The lease area they have arranged with Tree Top is 50' x 30' which is the minimum space they would need for the project. They plan on fencing the entire project with chain linked fencing topping it off with barbed wire to prevent any vandalism. They have requested this monopole be built to collapse upon itself so it will fall within the property lines in the event of

a catastrophe. The only traffic after the project is complete is once a month maintenance and repair work that will be done usually around 2:00am or 3:00am in the morning when the least amount of call volume is going through the lines.

Chair Turner then asked if there was any further testimony for the proposed project. Gus Gustafson the Plant Manager from Tree Top addressed the Commission. Tree Top sees it as an unused piece of land that is better utilized serving the community with the type of services Verizon Wireless can offer.

There being no further testimony for or against the project Chair Turner then asked for any Commissioner questions.

Commissioner Chesnut addressed the applicant and asked if any lighting will be required for this project by the FAA. Mr. McFadden said they have filed with the FAA and have not received a response back yet, but they do not foresee that being an issue since they are not near an airport. He also stated the federal regulations only require lights on monopoles that exceed the 200' foot marker and since this monopole is half that size it shouldn't be a Issue.

Commissioner Chesnut also asked about the collapsible tower and how it works. Mr. McFadden said the way he has had it explained to him by the engineers is that they construct the tower with tempered steel at critical stress points throughout the structure that will allow it to collapse in the event of heavy wind or catastrophe.

Commissioner Gaines asked how much wind the tower could withstand before it collapses. Mr. McFadden said the tower is built to withstand the highest recorded sustained wind in this area which has been calculated at 70 MPH, with 1" on ice on it. That is how the structural analysis is done. They will be happy to provide that documentation and the structural report with the permit application.

Commissioner Riley asked if the monopole can be accessed by other carriers if they choose to come to this area. Mr. McFadden said that the tower will be built to hold two additional carriers. They in turn would have to negotiate with Tree Top for ground space to put up their electronics.

There being no further questions Chair Turner closed the hearing.

Commissioner Good made a motion to approve the conditional use permit and adopt the findings of staff, and asked that the fall radius and structural analysis be provided by the applicant. Commissioner Irving seconded the motion and the motion passed unanimously.

Administrative Actions – Reviewed and discussed.

Commissioner Concerns – Commissioner Irving would like to put a proposal together for the High School for youth involvement and have them come and learn what the Planning Commission is like. The Commissioners thought it was a great idea to get the youth involved and Gina said she would ask Linda Hall the Assistant City Manager if that is something the Council would allow.

Commissioner Gaines has had several people approach him regarding the intersection at DeHaven and Broadway. Vehicles are making left hand turns on that corner and he has witnessed several close calls in that area. The street is painted with double yellow lines and as he believes that to be NO CROSSING. Visibility is poor sitting on DeHaven waiting to turn left that they don't see the traffic coming off of Main and turning the corner on to Broadway before it is too late. He would like someone in the Police Department or Public Works to take a look at it.

Planning Department Update – Gina will have more Residential Design Standards for the Commissioners to review at our next meeting.

There being no further business, the meeting was adjourned at 8:05 pm.